
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

HOMER E. PURDY III,

Plaintiff,

v.

JPMORGAN CHASE N.A., MORTGAGE
ELECTRONIC REGISTRATION SERVICE,
*as Nominee for Metlife Home Loans, a division
of Metlife Bank N.A., its Successors and
Assigns*, ETITLE INSURANCE AGENCY,
LUNDBERG & ASSOCIATES, RICHARD
GUNNERSON, AND BRAD DEHANN,

Defendants.

**ORDER ADOPTING
REPORT AND RECOMMENDATION
AND DISMISSING CASE**

Case No. 1:15-cv-00070-DN-EJF

District Judge David Nuffer

This case was filed on May 20, 2015 by Mr. Purdy, a pro se plaintiff. The case was referred to Magistrate Judge Furse on May 27. On June 19, Defendants eTitle Insurance Agency, Lundberg & Associates, Richard Gunnerson, and Brad DeHann (“Trustee Defendants”) moved to dismiss Mr. Purdy’s Complaint for failure to state a claim.¹ Because Mr. Purdy did not oppose the Motion, Magistrate Judge Furse entered a Report and Recommendation recommending that the Trustee Defendants’ Motion be granted.²

Less than a week after Judge Furse entered her Report and Recommendation, Mr. Purdy filed a “Notice of Non-Suit.”³ The entire Notice reads: “Plaintiff hereby give [sic] notice to the court of nonsuit of the instant action.”⁴

¹ Defendants eTitle Insurance Agency, Lundberg & Associates, Richard Gunnerson, and Brad DeHann Motion to Dismiss, [docket no. 3](#), filed June 19, 2015.

² Report and Recommendation, [docket no. 6](#), entered July 31, 2015.

³ Notice of Non-Suit, [docket no. 7](#), filed August 3, 2015.

⁴ *Id.* at 1.

A “nonsuit” is “[a] plaintiff’s voluntary dismissal of a case or of a defendant, without a decision on the merits.”⁵ Mr. Purdy’s “Notice of Non-suit” is the equivalent of a voluntary dismissal under [Fed. R. Civ. P. 41](#).⁶

Because Mr. Purdy has asked that this case be dismissed, there is no objection to the Report and Recommendation. Therefore,

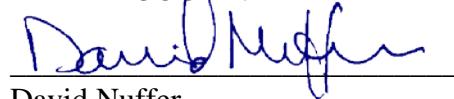
IT IS HEREBY ORDERED that the Report and Recommendation⁷ is ADOPTED. The Trustee Defendant’s Motion is GRANTED, and the claims alleged against the Trustee Defendants in this action are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that, based on Mr. Purdy’s “Notice of Non-suit,” this case is DISMISSED WITHOUT PREJUDICE.⁸

The Clerk is directed to close the case.

Dated August 5, 2015.

BY THE COURT:



David Nuffer
United States District Judge

⁵ Black’s Law Dictionary (10th ed. 2014), “nonsuit.”

⁶ *Id.*

⁷ Report and Recommendation, [docket no. 6](#), entered July 31, 2015.

⁸ See [Fed. R. Civ. P. 41\(a\)\(1\)\(B\)](#) (“Unless the notice or stipulation states otherwise, the dismissal is without prejudice.”).